



UNITED STATES PATENT AND TRADEMARK OFFICE

3.
 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/767,346	01/23/2001	Pamela L. Plouhar	26502-67310

CONFIRMATION NO. 3293

FORMALITIES LETTER



OC000000005868800

BARNES & THORNBURG
 1313 Merchants Bank Building
 11 South Meridian Street
 Indianapolis, IN 46204

Date Mailed: 03/16/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 840.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

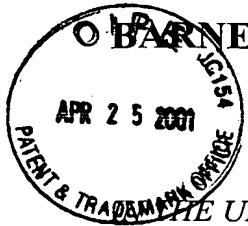
PART 2 - COPY TO BE RETURNED WITH RESPONSE

04/26/2001 BHABTEW 00000079 100435 09767346

01 FC:101	710.00 CH
02 FC:105	130.00 CH

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BARNES & THORNBURG

APR 25 2001

11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 3738

}

Certificate Under 37 CFR 1.8(a)

Attorney
Docket: 26502-67310

}

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

Applicant: Pamela L. Plouhar, et al.

}

on April 23, 2001

Invention: **Tissue Graft Construct
For Replacement Of
Cartilaginous Structures**

}

Joyce Hamilton

Signature

Appl. No: 09/767,346

}

Confirmation No.: 3293

}

Filed: January 23, 2001

}

Examiner: Unknown

}

Joyce Hamilton

Typed Name

**RESPONSE TO NOTICE TO FILE MISSING
PARTS OF NONPROVISIONAL APPLICATION**

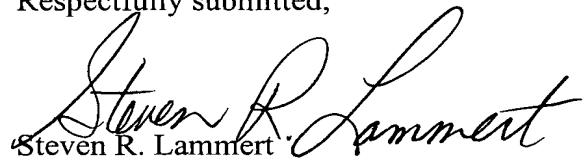
Assistant Commissioner for Patents
Washington, D.C. 20231
BOX Missing Parts

Sir:

A Notice to File Missing Parts of Nonprovisional Application was mailed from the Patent Office on March 16, 2001, indicating that the statutory basic filing fee (\$710) for the subject application was missing from its filing papers. Applicants believe that the filing fee was timely submitted by authorization to charge Deposit Account No. 10-0435 and submit herewith copies of the Transmittal Sheet indicating authorization to be deduct the filing fee from the Deposit Account, and a copy of the returned PTO date-stamped postcard also indicating that authorization to charge the deposit account was included at the time of filing. Applicants believe that no surcharge should be applicable at this time.

The Assistant Commissioner is hereby authorized to charge the filing fee, any additional amounts as necessary, or to credit any overpayments, to our Deposit Account No. 10-0435, with reference to our matter number 26502-67310. Two copies of this letter are also enclosed to facilitate action by the Office on this matter.

Respectfully submitted,



Steven R. Lammet
Registration No. 27,653
Attorney for Applicants

SRL:glt
(317) 231-7258
Indianapolis, Indiana 46204
INDS02 SRL 375347v1

Express Mail No. F 30 258 235 US
Mailed: January 23, 2001
Applicant: Plouhar, et al.
Invention: **Tissue Graft Construct For Replacement Of Cartilaginous Structures**
Serial No: Unknown
Filed: Herewith (January 23, 2001)
Docket: 26502-67310

FEB 06 2001

PARNES & THORNE

Certificate Under 37 CFR 1.10
 Utility Patent Application Transmittal Sheet (in duplicate) with authorization to charge
Deposit Account
 Preliminary Amendment
 Divisional Patent Application (with copy of Declaration/Power of Attorney from parent
application attached)
 Drawings (4)
 Postcard

The stamp of the Patent Office hereon shows receipt of the indicated papers.

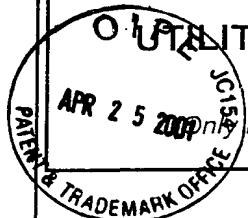
SRL/RLB:glt

jc713 U.S. PTO
09/767346



01/23/01





UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

Only for new nonprovisional applications under 37 CFR 1.53(b)

Docket No.
26502-67310

Total Pages in this Submission
37

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

TISSUE GRAFT CONSTRUCT FOR REPLACEMENT OF CARTILAGENOUS STRUCTURES

and invented by:

Pamela L. Plouhar, Michael D. Dunn, Jerry L. Lower, Thomas C. May

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: 08/913,771

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: 08/628,773

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. Filing fee as calculated and transmitted as described below
2. Specification having 23 pages and including the following:
 - a. Descriptive Title of the Invention
 - b. Cross References to Related Applications (*if applicable*)
 - c. Statement Regarding Federally-sponsored Research/Development (*if applicable*)
 - d. Reference to Microfiche Appendix (*if applicable*)
 - e. Background of the Invention
 - f. Brief Summary of the Invention
 - g. Brief Description of the Drawings (*if drawings filed*)
 - h. Detailed Description
 - i. Claim(s) as Classified Below
 - j. Abstract of the Disclosure

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
26502-67310

Total Pages in this Submission
37

Application Elements (Continued)

3. Drawing(s) (*when necessary as prescribed by 35 USC 113*)
 - a. Formal Number of Sheets _____
 - b. Informal Number of Sheets 4
4. Oath or Declaration
 - a. Newly executed (*original or copy*) Unexecuted
 - b. Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
 - c. With Power of Attorney Without Power of Attorney
 - d. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. Incorporation By Reference (*usable if Box 4b is checked*)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. Computer Program in Microfiche (*Appendix*)
7. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
 - a. Paper Copy
 - b. Computer Readable Copy (*identical to computer copy*)
 - c. Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. Assignment Papers (*cover sheet & document(s)*)
9. 37 CFR 3.73(B) Statement (*when there is an assignee*)
10. English Translation Document (*if applicable*)
11. Information Disclosure Statement/PTO-1449 Copies of IDS Citations
12. Preliminary Amendment
13. Acknowledgment postcard
14. Certificate of Mailing

First Class Express Mail (*Specify Label No.*): EL 230 258 235 US

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

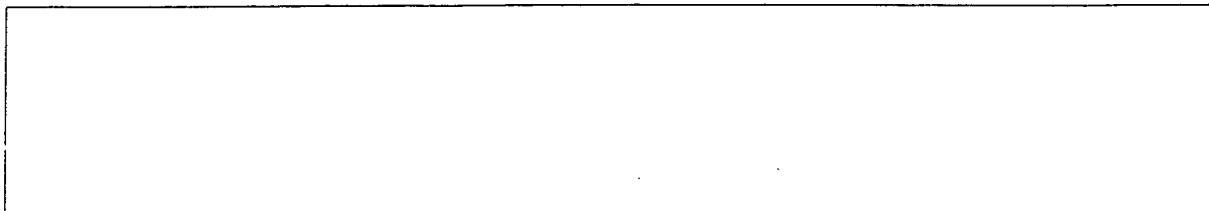
(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
26502-67310

Total Pages in this Submission
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Accompanying Application Parts (Continued)

15. Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. Additional Enclosures *(please identify below):*



Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

17. Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
26502-67310

Total Pages in this Submission
37

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	6	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	1	- 3 =	0	x \$80.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				
					BASIC FEE \$710.00
OTHER FEE (specify purpose)	<input type="checkbox"/>				
					TOTAL FILING FEE \$710.00

A check in the amount of _____ to cover the filing fee is enclosed.

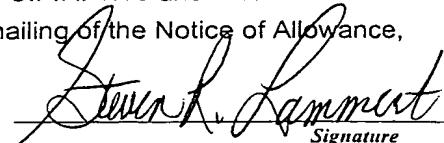
The Commissioner is hereby authorized to charge and credit Deposit Account No. 10-0435 as described below. A duplicate copy of this sheet is enclosed.

Charge the amount of \$710.00 as filing fee.

Credit any overpayment.

Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).


Signature

Steven R. Lammert
Registration No. 27,653

Dated: 23 January 2001

CC: